

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Robert G. Taub, Chairman;
Tony Hammond, Vice Chairman;
Mark Acton; and
Nanci E. Langley

Competitive Product Prices
GEPS 7 (MC2016-196)
Negotiated Service Agreements

Docket No. CP2017-146

ORDER GRANTING MOTION FOR TEMPORARY RELIEF

(Issued April 30, 2018)

The negotiated service agreement approved in this proceeding (Existing Agreement) is set to expire April 30, 2018.¹ On April 27, 2018, the Postal Service filed a motion for temporary relief seeking to extend the expiration date of the Existing Agreement.²

The Postal Service states that it is in the process of negotiating with the customer a possible successor to the Existing Agreement. Motion at 1. On April 27, 2018, the

¹ See United States Postal Service Response to Order No. 3840 Concerning Effective Date of a Global Expedited Package Services 7 Negotiated Service Agreement, April 4, 2017 (showing expiration date as April 30, 2018); Order Approving Additional Global Expedited Package Services 7 Negotiated Service Agreement, March 29, 2017 (Order No. 3840) (approving Existing Agreement).

² Motion of the United States Postal Service for Temporary Relief Concerning Global Expedited Package Services 7 Negotiated Service Agreement, April 27, 2018 (Motion).

Postal Service sent a modification to the customer that would extend the Existing Agreement until May 31, 2018, but this modification has not yet been signed. *Id.* The Postal Service states that it will file that modification in this docket once the modification has been signed. *Id.* To maintain continuity of pricing, the Postal Service requests that the Commission continue to list the Existing Agreement in the Mail Classification Schedule through May 31, 2018. *Id.* The Postal Service acknowledges that its filing is untimely and states that its delay is due to the recent large volume of international negotiated service agreements and a miscommunication concerning the status of the Existing Agreement. *Id.* n.2.

The Commission appreciates the Postal Service's statement of the circumstances necessitating an extension. Additionally, the imminent filing of a modification usually suggests a good faith effort on the part of the Postal Service to avoid relying on motions for temporary relief as a standard practice, in keeping with Commission guidance.³ However, in this case the Postal Service sent the signed modification to the customer well after the deadline for timely filing that modification with the Commission.⁴ The Commission reiterates that the dates on which contracts are scheduled to expire are known.⁵ Failure to make timely filings jeopardizes the ability of the Commission to complete its review prior to contract expiration dates.

This brief extension will not impair the ability of the Existing Agreement to comply with 39 U.S.C. § 3633, will avoid disruption in contract administration, and will not prejudice any person. Consequently, the Existing Agreement is modified to continue until May 31, 2018.

³ See Docket No. CP2012-38, Order Granting Second Motion for Temporary Relief, August 26, 2015, at 2 (Order No. 2685) (urging the Postal Service to use contract extensions only in limited circumstances and not as a standard practice); see *also* Docket No. CP2016-152, Order Granting Motion for Temporary Relief, April 24, 2018, at 2 (Order No. 4588) (treating imminent filing of a modification as a good faith effort to limit reliance on motions for temporary relief).

⁴ See Docket No. CP2015-30, Order Concerning Modification to a Global Expedited Package Services 3 Negotiated Service Agreement, August 14, 2015, at 2-3 (Order No. 2663).

⁵ See Docket No. CP2009-38, Order Granting Motion for Temporary Relief and Providing Guidance Regarding Future Motions for Temporary Relief, November 1, 2012, at 2 (Order No. 1523).

The Postal Service shall promptly file notice with the Commission if the Existing Agreement is terminated prior to the revised expiration date.

It is ordered:

1. The Motion of the United States Postal Service for Temporary Relief Concerning Global Expedited Package Services 7 Negotiated Service Agreement, filed April 27, 2018, is granted.
2. The Commission approves an extension of the Existing Agreement until May 31, 2018.
3. The Mail Classification Schedule will continue to list the Existing Agreement according to the terms set forth in this Order.
4. The Postal Service shall promptly file notice of the termination of the Existing Agreement if such termination occurs prior to the revised expiration date.

By the Commission.

Ruth Ann Abrams
Acting Secretary